



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,999	03/15/2004	Donald F. Box	MS1-1957US	3338
22801 7590 07/08/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER ZHANG, SHIRLEY X				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
07/08/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/801,999

Applicant(s)

BOX ET AL.

Examiner

SHIRLEY X. ZHANG

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-16, 18, 19, 21-26, 28, 29, 31, 32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16, 18-19, 21-26, 28-29, 31-32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-944)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This final office action is prepared in response to the applicant's amendments and arguments filed on May 6, 2010 as a reply to the non-final office action mailed on February 18, 2010.

Claims 3, 17, 20, 27, 30, 33 and 37 have been cancelled;

Claims 1, 11-16, 18-19, 21, 31 and 35-36 have been amended;

Claims 1-2, 4-16, 18-19, 21-26, 28-29, 31-32 and 34-36 are now pending;

Response to Arguments

Applicant's arguments and amendments filed on May 6, 2010 have been carefully considered but deemed unpersuasive in view of Examiner's response and the new grounds of rejection as presented herein below, necessitated by Applicant's substantial amendments to the claims which significantly affected the scope thereof, and will require further search and consideration.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

1. The rejection of claims 11-20 and 35-36 under 35 U.S.C. 101 is maintained as the amendments failed to overcome the rejection.
2. The rejection of claims 31-34 under 35 U.S.C. 101 is withdrawn as Applicant has amended the claims to explicitly recite hardware components such as "processor" and "memory".

3. The rejection of claims, 1, 11, 21 and 31 under 35 U.S.C. 112 2nd paragraph is withdrawn as Applicant has amended the claims to recite "message recipient information".
4. Regarding amended claim 1, Applicant argued that prior art reference Abjanic (U.S. 6,732,175) failed to disclose

"a portion of the selectively opaque context directs a message recipient as to how to handle one or more messages sent to the endpoint in a session".

Examiner responds that Abjanic disclosed the claim element.

To be specific, Abjanic disclosed in Fig. 1 a traffic manager (e.g. XML director), identified by a URI (Abjanic, col. 5, line 45 and col. 9, lines 56-60), where the traffic manager receives a message, and uses endpoint information `</to> Bookstore.com</To>` in the message to route the message to its destination endpoint (Abjanic, col. 6, lines 28-38).

Abjanic's traffic manager anticipates the message recipient in the claim, and the `<To>` field in Abjanic's XML message (Abjanic, col. 5, line 61) directs the traffic manager to make routing decision for the message.

5. Regarding amended claim 11, Applicant argued that neither Abjanic nor Bau disclosed "a reply to property" and "a relates to property".

Examiner responds that Bau disclosed in Fig. 4 a property `<c:DefaultCallbackURL>` that anticipates "a reply to" property claim 11.

6. Applicant's arguments regarding other pending claims are based on the same rationale presented for either claim 1 or claim 11. Therefore, Examiner's response shown above applies to such arguments.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 11-20 and 35-36** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-patentable subject matter.

Claims 11 and 35 recite "computer readable storage medium".

The claim element "computer readable storage medium", when given its broadest reasonable interpretation, may include transitory media such as signal or carrier wave, resulting in the claimed invention to be directed to non-patentable subject matter.

Claims 12-20 and 36 are dependent on claims 11 or 35, but fail to further limit the claimed invention to statutory subject matter. Therefore, claims 12-20 and 36 inherit the 35 U.S.C. 101 issue of the independent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 4-5, 7-9, 31 and 34-36** are rejected under 35 U.S.C. 102(c) as being anticipated by Abjanic (U.S. 6,732,175).

Regarding claims 1 and 31, Abjanic disclosed a method for, a computer readable medium comprising instructions for, a computer device for and a computing device comprising means for open content model Web service messaging in a networked computing environment, the method comprising:

generating a transport neutral message (Abjanic, col. 5, lines 53-67 disclosed an XML message that is transport independent according to col. 5, lines 38-39) comprising message recipient information (Abjanic, col. 5, line 44 and col. 6, lines 1-2, "URL" that refers to a traffic manager 140, or XML director shown in Fig. 1; Abjanic's XML director anticipates "message recipient" in the claim), endpoint addressing information (Abjanic, col. 5, lines 60-61, "<From>intel.com</From>" and "<To>bookstore.com</To>"), and one or more reference properties comprising selectively opaque message context (Abjanic, col. 5, lines 60-67),

a portion of the selectively opaque context directs to a message recipient as to how to handle one or more messages sent to the endpoint in a session (Abjanic, col. 6, lines 28-38 disclosed that the XML information provided within the message disclosed in col. 5, lines 60-67 directs the XML director 145, i.e. the message recipient, to make routing decisions);

binding the transport neutral message to a transport protocol for communication to the message recipient (Abjanic, col. 5, lines 30-36); and

wherein at least a portion of the selectively opaque message context is not directed to the message recipient (Abjanic, col. 3, lines 39-43 and col. 6, lines 39-67 disclosed that the director 145 in Fig. 1 parses all or part of the message and directs or switches the message to the intended processing node).

Futher regarding claim 31, Abjanic disclosed a computing device comprising

A processor and memory coupled to the processor (Abjanic, col 1, lines 7-9 disclosed that the invention generally relates to computers and computer networks; computers inherently comprises processors and memory coupled to the processor);

An open content model (OCM) messaging component stored in the memory and executed on the processor (Abjanic, col. 5, lines 18-19 disclosed that the traffic manager and director are located in a computer).

Regarding claims 4 and 34, Abjanic disclosed the subject matter of claims 1 and 31, respectively.

Abjanic disclosed that wherein the message recipient is a service coordinator (Abjanic, Fig. 1, “content-based message director 145”).

Regarding claim 5, Abjanic disclosed the subject matter of claim 1.

Abjanic further disclosed that the selectively opaque message context is based on an Extended Markup Language (XML) messaging protocol (Abjanic, col. 5, lines 60-67 disclosed an XML-formatted message content).

Regarding claim 7, Abjanic disclosed the method as recited in claim 1.

Abjanic further disclosed that the addressing information and selectively opaque message context are respectfully specified by an endpoint reference (Abjanic, col. 5, lines 60-67 disclosed an XML message body comprising an endpoint reference and other content).

Regarding claim 8, Abjanic disclosed the subject matter of claim 1.

Abjanic further disclosed that the endpoint reference is self-contained service endpoint description (Abjanic, col. 5, line 61, “<To>bookstore.com</To>” is self-contained).

Regarding claim 9, Abjanic disclosed the subject matter of claims 1.

Abjanic further disclosed that the endpoint reference and/or message information headers provide identification and description of specific service instances and/or specific instance details (Abjanic, col. 5, lines 63-66 and col. 29-35 disclosed that the message body contains specific information about a business transaction such as a book order).

Regarding claim 35, Abjanic disclosed a computer-readable medium comprising an open content model data structure thereon, the open content model data structure comprising:
a message recipient data field (Abjanic, col. 5, line 44 and col. 6, lines 1-2, “URL”);
an endpoint addressing data field (Abjanic, col. 5, line 61, “<To>bookstore.com</To>”);
and

one or more reference properties data fields comprising selectively opaque message context, at least a portion of the selectively opaque message context is not directed to the message recipient (Abjanic, col. 5, lines 60-67),

a portion of the selectively opaque context directs to a message recipient as to how to handle one or more messages sent to the endpoint in a session (Abjanic, col. 6, lines 28-38 disclosed that the XML information provided within the message disclosed in col. 5, lines 60-67 directs the XML director 145, i.e. the message recipient, to make routing decisions)

Regarding claim 36, Abjanic disclosed the subject matter of claim 35.

Abjanic further disclosed that a portion of the selectively opaque context directs the message recipient as to how to handle one or more messages sent to the endpoint in a session (Abjanic, col. 6, lines 28-38 disclosed that the XML information provided within the message disclosed in col. 5, lines 60-67 directs the XML director 145, i.e. the message recipient, to make routing decisions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2, 6, 10-16, 18-19, 21-26, 28-29 and 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic (U.S. 6,732,175), in view of Bau et al. (U.S. 7,356,803, hereinafter “**Bau**”).

Regarding claim 11, Abjanic disclosed a computer-readable storage medium comprising computer-program instructions for open content model Web service messaging in a networked computing environment, the computer program instructions being executable by a processor for:

generating a transport neutral message (Abjanic, col. 5, lines 53-67 disclosed an XML message that is transport independent according to col. 5, lines 38-39) comprising message recipient information (Abjanic, col. 5, line 44 and col. 6, lines 1-2, “URL” that refers to a traffic manager 140, or XML director shown in Fig. 1; Abjanic’s XML director anticipates “message recipient” in the claim), endpoint addressing information (Abjanic, col. 5, lines 60-61, “<From>intel.com</From>” and “<To>bookstore.com</To>”), and one or more reference properties comprising selectively opaque message context (Abjanic, col. 5, lines 60-67),

the addressing information and selectively opaque message context are respectively specified by an endpoint reference and message information headers (Abjanic, col. 5, lines 53-67 disclosed an XML message body comprising an endpoint reference and other content);

binding the transport neutral message to a transport protocol for communication to the message recipient (Abjanic, col. 5, lines 30-36); and

wherein at least a portion of the selectively opaque message context is not directed to the message recipient (Abjanic, col. 3, lines 39-43 and col. 6, lines 39-67 disclosed that the director 145 in Fig. 1 parses all or part of the message and directs or switches the message to the intended processing node).

Abjanic did not explicitly disclose the message information headers further comprising a reply to property identifying an intended recipient for a reply to the transport neutral message and a relates to property that indicates how the transport neutral message relates to a difference transport neutral message.

However, in the same field of endeavor, Bau disclosed an XML based message protocol similar to Abjanic's, where the message includes the identifier of a client sending the message, i.e., a GUID or URL, that globally identifies the client such that the server can route the callback to the appropriate client. See also Bau, Fig. 4, "<c:defaultCallbackURL>". The callback URL in Bau anticipates the "reply to property" in the current claims.

Furthermore, Bau disclosed using a conversation ID to uniquely identify a conversation (Bau, Fig. 4 and [0076-0077]). The conversation ID anticipates the "relates to property" in the claim because they serve the same purpose.

One of ordinary skill in the art would have been motivated to combine Abjanic and Bau because both disclosed a system and platform for switching Web services requests and response using a message director/dispatcher (Abjanic, Fig. 1, "message director 145"; Bau, Fig. 7, "dispatch 702 and 706"), where the switch decision is made based on not only the message header, but also information in the message body (Abjanic, col. 3, lines 39-43; Bau, col. 13, lines 5-8).

Therefore, it would have been obvious for one of ordinary skill in the art to incorporate Bau's teaching of defining a callbackURL in the request message into Abjanic's system with

reasonable expectation of success. The combination would have allowed Abjanic's system to process request and response asynchronously, making it more applicable to a network with complex structure or unexpected latency.

Claim 21 lists elements that can be found in claims 1 and 11, in device form. Therefore, the supporting rationale for the rejection of the relevant subject matter in claims 1 and 11 applies equally as well to claim 21.

Further regarding claim 21, it is inherent in Abjanic that the web services are realized using a computing device that comprises a processor and a memory coupled to the processor, as the Web is a network of computing devices.

Regarding claims 2, 12, 22 and 32, Abjanic disclosed the subject matter of claims 1, 11, 21 and 31, respectively.

Abjanic further disclosed that the selectively opaque context directs an endpoint to send one or more responses to a message source, the message source not being the message recipient .

However, in the same field of endeavor, Bau disclosed an XML based message protocol similar to Abjanic's, where the message includes the identifier of a client sending the message, i.e., a GUID or URL, that globally identifies the client such that the server can route the callback to the appropriate client. See also Bau, Fig. 4, "<c:defaultCallbackURL>"). The callback URL in Bau anticipates the "message source" in the current claims)

One of ordinary skill in the art would have been motivated to combine Abjanic and Bau because both disclosed a system and platform for switching Web services requests and response

using a message director/dispatcher (Abjanic, Fig. 1, “message director 145”; Bau, Fig. 7, “dispatch 702 and 706”), where the switch decision is made based on not only the message header, but also information in the message body (Abjanic, col. 3, lines 39-43; Bau, col. 13, lines 5-8).

Therefore, it would have been obvious for one of ordinary skill in the art to incorporate Bau's teaching of defining a callbackURL in the request message into Abjanic's system with reasonable expectation of success. The combination would have allowed Abjanic's system to process request and response asynchronously, making it more applicable to a network with complex structure or unexpected latency.

Regarding claim 10, Abjanic disclosed the subject matter of claim 1.

Abjanic did not explicitly disclose that the message information headers further comprise a reply to property identifying an intended recipient for a reply to the transport neutral message.

However, in the same field of endeavor, Bau disclosed an XML based message protocol similar to Abjanic's, where the message includes the identifier of a client sending the message, i.e., a GUID or URL, that globally identifies the client such that the server can route the callback to the appropriate client. See also Bau, Fig. 4, “<c:defaultCallbackURL>”). The callback URL in Bau anticipates the “Reply to” in the current claims).

The rationale for combining Abjanic and Bosworth is the same as that provided above for claim 2.

Regarding claims 13 and 23, Abjanic disclosed the subject matter of claims 11 and 21, respectively.

Abjanic further disclosed that a portion of the selectively opaque context directs the message recipient as to how to handle one or more messages sent to the endpoint in a session (Abjanic, col. 6, lines 28-38 disclosed that the XML information provided within the message disclosed in col. 5, lines 60-67 directs the XML director 145, i.e. the message recipient, to make routing decisions).

Regarding claims 14 and 24, Abjanic disclosed the subject matter of claims 11 and 21, respectively.

Abjanic disclosed that wherein the message recipient is a service coordinator (Abjanic, Fig. 1, “content-based message director 145”).

Regarding claims 15, and 25, Abjanic disclosed the subject matter of claims 11 and 21, respectively.

Abjanic further disclosed that the selectively opaque message context is based on an Extended Markup Language (XML) messaging protocol (Abjanic, col. 5, lines 60-67 disclosed an XML-formatted message content).

Regarding claims 6, 16 and 26, Abjanic disclosed the subject matter of claims 1, 11 and 21 respectively.

Abjanic did not explicitly disclose that in binding, the transport protocol is based on Simple Object Access Protocol (SOAP).

However, in the same field of endeavor, Bau disclosed a similar XML based message protocol that can be bound to SOAP (Bau, col. 8, lines 40-43 disclosed that service bindings include SOAP over HTTP).

The rationale for combining Abjanic and Bau is the same as that provided above for claims 12 or 22.

Regarding claims 18 and 28, Abjanic disclosed the subject matter of claims 11 and 21 respectively.

Abjanic further disclosed that the endpoint reference is self-contained service endpoint description (Abjanic, col. 5, line 61, “<To>bookstore.com</To>” is self-contained).

Regarding claims 19 and 29, Abjanic disclosed the subject matter of claims 11 and 21, respectively.

Abjanic further disclosed that the endpoint reference and/or message information headers provide identification and description of specific service instances and/or specific instance details (Abjanic, col. 5, lines 63-66 and col. 29-35 disclosed that the message body contains specific information about a business transaction such as a book order).

Conclusion

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.X.Z./ Art Unit 2444
6/29/2010

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444